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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Intelligence Reform and Terrorism Prevention Act of 2004 to authorize the Director of the Federal Bureau of Investigation to make security clearance determinations and access determinations for political appointees and special Government employees in the Executive Office of the President, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Intelligence Reform and Terrorism Prevention Act of 2004 to authorize the Director of the Federal Bureau of Investigation to make security clearance determinations and access determinations for political appointees and special Government employees in the Executive Office of the President, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Security Clearance Re-
3 view Act”.

4 **SEC. 2. SECURITY CLEARANCE DETERMINATIONS AND AC-
5 CESS DETERMINATIONS BY DIRECTOR OF FBI
6 FOR POLITICAL APPOINTEES AND SPECIAL
7 GOVERNMENT EMPLOYEES IN EXECUTIVE
8 OFFICE OF THE PRESIDENT.**

9 Section 3001 of the Intelligence Reform and Ter-
10 rorism Prevention Act of 2004 (50 U.S.C. 3341) is
11 amended by adding at the end the following:

12 “(k) POLITICAL APPOINTEES AND SPECIAL GOVERN-
13 MENT EMPLOYEES IN THE EXECUTIVE OFFICE OF THE
14 PRESIDENT.—

15 “(1) APPOINTMENT AND ACCESS TO CLASSI-
16 FIED INFORMATION.—Notwithstanding any other
17 provision of law—

18 “(A) a political appointee or special Gov-
19 ernment employee may not be employed in, de-
20 tailed to, or assigned to, the Executive Office of
21 the President unless such employment, detail,
22 or assignment is clearly consistent with national
23 security; and

24 “(B) any political appointee or special Gov-
25 ernment employee employed in, detailed to, or
26 assigned to, the Executive Office of the Presi-

1 dent may not have a security clearance, or ac-
2 cess any classified information, unless such se-
3 curity clearance is granted, or access deter-
4 mination is made, by the Director of the Fed-
5 eral Bureau of Investigation.

6 “(2) DETERMINATION AND NOTIFICATION.—

7 “(A) DIRECTOR.—If the Director of the
8 Federal Bureau of Investigation denies, sus-
9 pends, or revokes a security clearance or access
10 to classified information under paragraph (1),
11 the Director shall notify the President and the
12 appropriate committees of Congress of such de-
13 termination on the date such determination is
14 made.

15 “(B) PRESIDENT.—If the President nul-
16 lifies, reverses, modifies, or otherwise fails to
17 recognize any denial, suspension, or revocation
18 of a security clearance or access to classified in-
19 formation determination made by the Director
20 under paragraph (1), not later than 30 days
21 thereafter, the President shall submit an expla-
22 nation (in writing) of the reasons for such nul-
23 lification, reversal, modification, or failure to
24 recognize to the appropriate committees of Con-
25 gress.

1 “(3) DEFINITIONS.—In this subsection:

2 “(A) POLITICAL APPOINTEE.—The term
3 ‘political appointee’ has the meaning given that
4 term in section 4(a)(4) of the Edward ‘Ted’
5 Kaufman and Michael Leavitt Presidential
6 Transitions Improvements Act of 2015 (Public
7 Law 114–136; 5 U.S.C. 3101 note).

8 “(B) SPECIAL GOVERNMENT EMPLOYEE.—
9 The term ‘special Government employee’ has
10 the meaning given that term in section 202 of
11 title 18, United States Code.”.